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Ex-C.I.A. Aide Disputes CBS Film at Libel Trial

By M. A. FARBER

The former head of Vietnamese affairs for the Central Intelligence Agency startled the Westmoreland-CBS libel trial yesterday by shouting from the witness stand that CBS lied in its 1982 documentary charging a military cover-up of enemy strength in South Vietnam in 1967.

The flare-up occurred near the end of direct examination, when George A. Carver Jr., the former official, was asked about a statement on the broadcast by Mike Wallace that "instead of being told of an enemy army of more than half a million, the President, the Congress and the American public were told there were only 248,000 Vietcong left; that the enemy was running out of men."

"That statement is a lie!" boomed the normally placid Mr. Carver, who was testifying in Federal Court in Manhattan as the 13th witness for Gen. William C. Westmoreland in his \$120 million libel suit stemming from the CBS Reports documentary — "The Uncounted Enemy: A Vietnam Deception."

Remark Stricken From Record

As Mr. Carver stared at the jury, which seemed as stunned by his sudden forcefulness as the spectators, Judge Pierre N. Leval struck the remark from the record and called the lawyers from both sides to the bench. After a brief conference, Dan M. Burt, General Westmoreland's lawyer, rephrased his question for Mr. Carver.

Q. Did you have any information in 1967 that there was an enemy army in Vietnam of more than a half-million men?

A. No, there never was.

Q. I have no further questions.

Minutes later, on cross-examination, an attorney for CBS suggested that Mr. Carver and his colleagues in the C.I.A. had "capitulated" in 1967 to lower enemy strength figures imposed on them by military intelligence officers under General Westmoreland, commander of American forces in Vietnam from 1964-68.

Under questioning by David Boies, CBS's lawyer, Mr. Carver said the enemy's military strength in 1967 was on the order of 240,000 to 250,000 — approximately the figures contained in the official military listing known as the order of battle.

"They never had an army in the field of a half million — or even half that," he said. Their total force, he added, including political cadre and other support, was over 400,000.

C.I.A. Memo Quoted

But Mr. Boies dogged Mr. Carver with an internal C.I.A. memorandum he had written on Jan. 11, 1967 — a memo that Mr. Carver accused Mr. Boies of taking "out of context."

The memo began: "We believe the MACV [General Westmoreland's command] order of battle of Communist ground forces in South Vietnam, which on 3 January carried the number of confirmed Vietcong, including North Vietnamese, at 277,150, is far too low and should be raised, perhaps doubled."

"Did you make that statement in 1967?" Mr. Boies demanded.

Qualifying his answer, Mr. Carver conceded that he believed the order of battle in South Vietnam was "too restrictive" and should have shown a total "manpower pool" in the half-million range. But the exact figure for enemy military strength depended on "how you define" the enemy, he said, noting that the memo went on to question whether political cadre, for example, "belong in a military OB at all."

Revised Order of Battle

The CBS documentary, like the testimony yesterday, focused on the events surrounding the preparation in 1967 of a revised order of battle and of a related intelligence estimate on enemy strength in Vietnam for President Johnson. In the broadcast, CBS contended that by minimizing the scope and nature of enemy forces, General Westmoreland's command had left the President, the Joint Chiefs of Staff and American troops unprepared for the magnitude of the Communists' Tet offensive in January 1968.

Before an agreement on figures was reached in Saigon in September 1967 — an accord that Mr. Carver has called a "compromise" and CBS an unjustified concession to the military — the C.I.A. favored reporting a relatively high enemy strength total and including in the final order of battle figure a counting of Vietcong self-defense forces. General Westmoreland's command insisted that the self-defense forces, newly estimated in a range of 117,000 to 125,000, lacked offensive military capability and should be dropped from the order of battle. The C.I.A. went along with a verbal description, rather than a number, for the self-defense units.

Yesterday, Mr. Boies showed Mr. Carver a series of cables he wrote to his superiors in 1967 and 1968 in which he said the military had "whacked up" some of its figures during the debate

over enemy strength and that, after the Tet offensive, the C.I.A. realized it had compromised too much.

Mr. Carver admitted that, following the Tet assault, the C.I.A. believed the new order of battle total — 223,000 to 248,000, plus 80,000 to 90,000 political cadre — had been short, and that the self-defense forces had taken part in "much of the recent urban excitement." But he said that, in some of the cables, he had exercised "a degree of poetic license."

Mr. Carver, whose testimony began last Thursday and will continue today, was Special Assistant for Vietnamese Affairs to the Director of Central Intelligence from 1966 to 1973. During 1967, the director was Richard Helms, who is expected to testify later in the trial.

Mr. Carver did not appear on the CBS documentary, which was aired on January 23, 1982. But 11 days before the broadcast — a week after the program was finished — he was interviewed for an hour, off camera, in Washington by George Crile, the producer of the broadcast.

Mr. Crile — like Mr. Wallace and Samuel A. Adams, a former C.I.A. analyst who worked for Mr. Carver and later became a paid consultant to CBS on its documentary — is a defendant in this case.

Producer's Notes Introduced

Yesterday Mr. Burt introduced Mr. Crile's notes of his interview with Mr. Carver, marking the first time that the producer's notes had been used at the trial.

Mr. Carver, under questioning by Mr. Burt, disavowed many of the remarks Mr. Crile attributed to him, some connected to witnesses who are scheduled to appear later in the trial.

For example, a major witness for CBS is expected to be Gains Hawkins, an intelligence colonel in Vietnam in 1967, who said on the documentary that he had "gotten the message" that his superiors, including General Westmoreland, "didn't want higher numbers" on enemy strength.

According to Mr. Crile's notes, Mr. Carver said that "he had as much respect for Hawkins as he had for any one he knew in intelligence in 25 years."

Q. Did you say that to Mr. Crile in words or substance?

A. No. I said I respected Gains Hawkins. The rest is Mr. Crile's invention.

Mr. Carver also denied telling Mr. Crile that he "always thought White House and military were guilty of manipulating the statistics." Mr. Carver said he told the producer that the White House, under President Johnson, was "guilty of manipulating statistics but not the statistics" about which Mr. Crile was asking.